

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 3, 5-9 and 40-51 are currently pending in the application. Claims 1, 5, 7, 9 and 40 are amended by the present amendment. Support for the amended claims can be found in the original specification, claims and drawings.¹ No new matter is presented.

In the Final Office Action of May 12, 2009 (herein, the Final Office Action), Claims 1, 3-5, 7-9 and 40 are rejected under 35 U.S.C. § 103(a) as unpatentable over Okamoto et al. (U.S. Pat. 7,310,823, herein Okamoto) in view of Nakane et al. (U.S. Pat. 6,522,609, herein Nakane) and Nakano et al. (U.S. Pub. 2003/0081786, herein Nakano); Claim 6 is rejected under 35 U.S.C. § 103(a) as unpatentable over Okamoto in view of Nakano, Nakane and Ando et al. (U.S. Pat. 7,286,746); and Claims 41-51 are rejected under 35 U.S.C. § 103(a) as unpatentable over Okamoto in view of Nakano, Nakane and Coene et al. (U.S. Pub. 2002/0157055).

In response to the above noted rejections under 35 U.S.C. § 103, Applicant respectfully submits that amended independent Claims 1, 9 and 40 recite novel features clearly not taught or rendered obvious by the applied references.

Independent Claim 1, for example, is amended to recite, in part, a recording system in which a host device and a recording drive are connected via a bus,

 said host device comprising

 determination means for determining whether input content is to be protected ***by an encryption process when exchanged over the bus,***

 said recording drive comprising

 recording means for recording user data interspersed with user control data in a unit of physical cluster on a recording medium,

 wherein ... protection information is recorded in the user control data, the protection information ***consisting of a one-bit flag indicating whether the***

¹ e.g. P.G. Pub. 2002/0144465 at least at paragraphs [0131] – [0133] and Figs. 15-17 and their corresponding description.

content is to be protected by the encryption process when being transmitted on the bus based on a determination result obtained by said determination means ...

Independent Claims 9 and 40, while directed to alternative embodiments, are similarly amended.

As disclosed in an exemplary embodiment at paragraphs [0131] – [0133] of P.G. Pub. 2002/0144465, the “protection information” is set as a flag ***consisting of*** only a single bit to indicate whether the data should be encrypted prior to being transferred over the bus.

In rejecting the claimed features directed to the “determining means” and the “protection information” the Final Office Action relies on col. 8, ll. 10-26 of Okamoto. This cited portion of Okamoto describes that a recording control circuit 4109 determines whether to encrypt a signal at the time of recording according to control information included in broadcast data.

Thus, this encryption is not related to performing encryption ***when*** [the content] ***is transmitted on the bus***, as claimed. Instead, as noted above, Okamoto merely describes determining whether to encrypt the data at the time of recording based on the control information.

Moreover, the “control information” in Okamoto related to encryption does not ***consist of a one-bit flag indicating whether the content is to be protected by the encryption process when being transmitted on the bus***, as recited in the amended independent claims. Instead, as described at Fig. 6(b) and col. 13, ll. 18-26 of Okamoto, the encryption information 111 included in the control information “is used to reproduce encrypted recorded information and decrypt the encryption”, and “the code numbers may be recorded and used to reproduce the corresponding information items stored in the apparatus. Thus, the encryption information included in the control information of Okamoto does not “***consist of a one-bit***

flag" and does not "*indicate whether the content is to be protected by the encryption process when being transmitted on the bus*", as claimed.

Moreover, none of Nakane, Nakano, Ando or Coene remedy the above noted deficiency of Okamoto.

Accordingly, Applicant respectfully requests that the rejection of Claims 1, 9 and 40 under 35 U.S.C. § 103 (and the claims that depend therefrom) be withdrawn.

Moreover, dependent Claim 7 is amended to recite that "said host device further comprises second encryption means for encrypting the content *using a key common to both the host device and the recording drive before being sent to the bus* when said determination means determines that the content is to be protected" and "said first encryption means encrypts the content *using said recording medium key of the recording medium before being recorded* by said recording means *regardless of whether* said determination means determines that the content is to be protected."

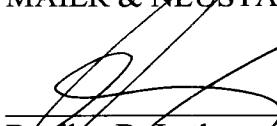
Thus, the configuration of Claim 7 further clarifies that a first encryption processing using the recording medium key is performed regardless of whether the content is to be protected while being transmitted on the bus, while the second encryption processing using a key common to the host device and recording drive is performed only when the determining means determines that the content is to be protected.

None of the applied references teach or suggest a similar configuration of multi-layered encryption. Accordingly, Applicant further submits that Claim 7 patentably defines over the applied references.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1, 3, 5-9 and 40-51 is patentably distinguishing over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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